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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/633,118 | 08/01/2003 | Paolo M.B. Tiramani | AW-2 | 3649 |

7590 08/09/2005

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| EXAMINER |
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WEAVER, SUE A

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| ART UNIT | PAPER NUMBER |
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3727

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,118

Applicant(s)

TIRAMANI, PAOLO M.B.

Examiner

Sue A. Weaver

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-14 and 18-26 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

1. Receipt of the proposed drawing figure on 2/10/05 is acknowledged. The proposed figure is approved and formal drawings will be required up on the indication of allowability.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18 and thus 19-21 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "the castors" in the penultimate line. There is insufficient antecedent basis for this limitation in the claim.

Applicant is advised that something appears to have been left out on line 5 of claim 18 because "at least which in an extend state..." doesn't make sense.

Furthermore applicant appear to have improperly made dependent claim 26 directed to an article dependent from a method claim, claim 25. Therefore fore it doesn't appear to further limit the method set forth in claim 25. It isn't clear what applicant is trying to claim in claim 26, a method or a bag.

3. Claims 1-2, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham et al in view of Sadow et al, of record.

Abraham et al teach a luggage construction with a pair of retractable wheels f the type claimed by applicant. Abraham et al further teach the provision of an actuator which is apart from the handle construction as shown at 63,64. To have further

provided a cable release system so that the wheels might be released without bending over would have been obvious in view of such teaching by Sadow et al as shown at 138.

4. Claims 3-6 and 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 2 and 12 above, and further in view of Kim, of record.

To have actuated the cable with a button having a lever to move the cable would have been obvious in view of the teaching by Kim at 86 and 90. The button of Kim is considered to be depressed toward the housing as it is rotated. The cable connection to member 68 is considered to be with a lever in the slot.

5. Claims 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo '888 in view of either Kuo '981, both of record, or Abraham et al.

Applicant has amended the claims to add a pair of wheels received in slots. Both Kou '981 and Abraham teach the provision of a pair of wheels instead of a single wheel and Kuo '888 already teaches the provision of a slot for the wheel. To have merely provided two wheels for a more stable stance would have been obvious in view of either Kuo '981 or Abraham et al

6. Claims 7-10 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's arguments with respect to claims 1-6, 11-14 and 18-26 have been considered but are moot in view of the new ground(s) of rejection.

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8. Applicant's arguments, see pages 14 and 15 of the amendment, filed 2/10/05, with respect to the objection to the drawings and disclosure and rejection of claims 7-10 and 15-17 have been fully considered and are persuasive. The objection and rejection of claims 7-10 and 15-17 have been withdrawn.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen and Bollinger show other wheel release mechanisms.

10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Certificate of Transmission

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is (571) 272-4548. The examiner can normally be reached on Tuesday-Friday (6-4:30).

— The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SW


Sue A. Weaver
Primary Examiner